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MAIL BRANCH

WILLIAM J. PENNINGTON, III  
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ORIGINAL  
FILE

September 17, 1992

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

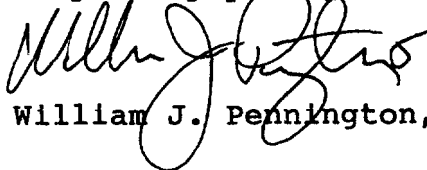
RE: Rule Making Petition, Hermitage, MO

Dear Ms. Searcy:

Transmitted herewith, on behalf of KYOO Broadcasting Company, is an original and four (4) copies of a "Petition for Rule Making" seeking the allotment of FM Channel 226A to Hermitage, Missouri.

Should you or the staff have any questions, please contact the undersigned.

Very truly yours,



William J. Pennington, III

WJP/tlt  
Enclosures

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SEP 25 1992  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
FM Table of Allotments )  
(Hermitage, Missouri) )

RM-

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

SEP 25 1992

To: Chief, Policy and Rules Division

PETITION FOR RULE MAKING

KYOO Broadcasting Broadcasting Company ("KBC"), by its attorney, hereby respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to add Channel 226A as a first local service at Hermitage, Missouri. In support of this proposal, the following is respectfully shown.

1. The attached Exhibit 1, a channel spacing study, shows that Channel 226A can be allocated to Hermitage consistent with all the minimum separation requirements to both existing and proposed allocations if site restricted 13.0 kilometers east of the community. It should be noted that KBC, permittee of KYOO-FM at Halfway, Missouri, on Channel 226A, has consented to, as a way of resolving conflicting proposals in MM Docket No. 92-49, accept an upgrade on Channel 256C3 in lieu of its proposed upgrade on Channel 226C3. Attached, as Exhibit 2, is a copy of KBC's "Further Statement of Proponent" outlining its consent. The use of Channel 256C3 at Halfway would allow the use of Channel 226A at Hermitage. Preliminary investigation indicates that a suitable

antenna site should be readily available, and that a station operating on Channel 226A should have no difficulty placing a 70 dBu contour over the entire community of Hermitage.

2. Allocation of Channel 226A to Hermitage would provide the community with its first local broadcast service. In fact, this would be the first local service in Hickory County, Missouri (1990 population, 7,335). Hermitage is an incorporated city and the county seat of Hickory County. Hermitage has its own local government and is the largest community in Hickory County. This is an agricultural area and the largest employers are nearby farms.

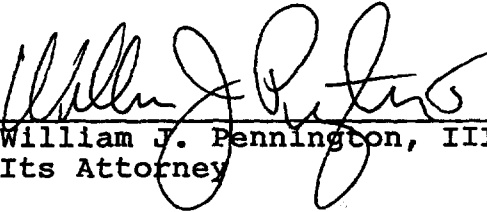
3. The Commission has determined that the provision of first local service is an important policy objective. See Second Report and Order in MM Docket No. 80-130, 90 FCC 2d 88, 51 RR 2d 807 (1982). Thus, KBC's proposal would serve the public interest.

4. Based upon the foregoing, KBC hereby requests that the Commission modify its FM allotments to add Channel 226A at Hermitage. If the Channel is allocated to Hermitage KBC will immediately file an application seeking authority to construct and operate a station on the new channel. If KBC is granted a construction permit, it will proceed promptly with construction.

Respectfully submitted,

**KYOO BROADCASTING COMPANY**

By:



William J. Pennington, III  
Its Attorney

Post Office Box 4203  
Wilmington, NC 28406  
(919) 762-7897

September 17, 1992

## EXHIBIT 1

## FM SPACING STUDY

JOB TITLE: HERMITAGE, MO  
 CHANNEL 226A  
 COORDINATES 37-56-00 93-10-00

CALL STATUS	CITY STATE	CHANNEL	LATITUDE LONGITUDE	BEARING	DIST (KM)	REQ. (KM)
KSYN LIC	JOPLIN MO	223 C1	37-04-10 94-32-49	232.15	155.21	75.0 CLEAR
KLOZ LIC	ELDON MO	224 C2	38-20-27 92-35-33	47.76	67.67	55.0 CLEAR
KZPF CP	OZARK MO	225 A	37-04-47 93-10-58	180.86	94.75	72.0 CLEAR
PROP ADD	OZARK MO	225 C2	36-58-45 93-26-38	193.07	108.70	106.0 CLEAR
PROP ADD	BOONVILLE MO	226 A	38-54-00 92-36-15	24.34	118.01	115.0 CLEAR
KFKF LIC	KANSAS CITY MO	227 C	39-00-57 94-30-24	316.31	167.67	165.0 CLEAR
ADD KYLK	OSAGE BEACH MO	228 C3	38-17-33 92-34-24	52.24	65.55	42.0 CLEAR
NEW CP	WARSAW MO	229 A	38-20-30 93-21-55	339.13	48.55	31.0 CLEAR

THIS STUDY ONLY SHOWS THOSE CHANNEL AUTHORIZATIONS OR PROPOSALS  
 NEAREST TO THE SPECIFIED COORDINATES WHICH ARE OF CONCERN FOR  
 ALLOCATION PURPOSES.

**EXHIBIT 2**

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MAIL BRANCH

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. 92-49  
Table of Allotments ) RM-7924  
FM Broadcast Stations )  
(Greenfield and Seligman, Missouri )  
and Huntsville, Arkansas) )  
  
To: Chief, Policy and Rules Division

FURTHER STATEMENT OF PROPONENT

KYOO Broadcasting Company (hereinafter "KBC"), permittee of KYOO-FM at Halfway, Missouri, and proponent of the upgrade of the channel allotted for that station from Channel 226A to Channel 226C3, by counsel, files the following statement.

In an effort to resolve the conflicts in MM Docket No. 92-49, KBC is willing to accept the allotment of Channel 256C3 to Halfway in lieu of Channel 226C3, which it proposed in its "Comments and Counterproposal", if its outstanding construction permit is modified to specify operation on Channel 256C3 and no competing expressions of interest are accepted for that channel. Both KJEM FM, A Limited Partnership, licensee of KESE at Seligman, Missouri, and Ozark Mountain Broadcasting, Inc., permittee of KZPF at Ozark, Missouri demonstrated in their reply comments that Channel 256C3 could be allocated to Halfway in lieu of Channel 226C3 so to provide a resolution of the conflicting proposals in this docket.

KBC's willingness to accept Channel 256C3 in lieu of Channel 226C3 at Halfway will allow for a quick resolution of all conflicts in this docket and provide both Seligman and Halfway with upgraded service. Thus acceptance of this plan to accommodate all of the upgrade proposals in this docket is in the public interest.

Should the Commission allot Channel 256C3, in lieu of Channel 226C3 at Halfway, and modify KBC's construction permit to specify operation on that channel, KBC will immediately begin construction of the new station consistent therewith.

THEREFORE, it is respectfully requested that the Commission accept KBC's proposal to resolve all of the conflicts in MM Docket No. 92-49 and amend the Table of Allotments accordingly.

Respectfully submitted,

**KYOO BROADCASTING COMPANY**

By:

  
William J. Pennington, III

Its Attorney

Post Office Box 4203  
Wilmington, NC 28406  
(919) 762-7897

September 16, 1992



**CERTIFICATE OF SERVICE**

I do hereby certify that on this 16<sup>th</sup> day of September, 1992, I deposited copies of the foregoing "**FURTHER STATEMENT OF PROPONENT**" in the United States mail, first class, postage prepaid, addressed to the following:

Andrew J. Rhodes  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, NW, Room 8322  
Washington, DC 20554

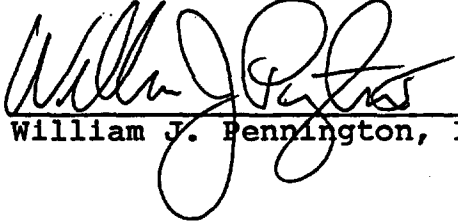
Ms. Kathleen Scheuerle  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, NW, Room 8317  
Washington, DC 20554

KXBR, Inc.  
Station KXBR  
19 East 200 South  
Salt Lake City, UT 84111

Demaree Media, Inc.  
Station KFAY-FM  
Post Office Box 878  
Fayetteville, AR 72712

KZPF Radio  
Ozark Mountain Broadcasting, Inc.  
512 West Edgewood  
Springfield, MO 65807

Elvis Moody  
KJEM-FM, A Limited Partnership  
216 North Main Street  
Bentonville, AR 72712

  
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William J. Pennington, III